


**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

WILLIAM ROSCOE SMITH,) Civil No. 3:11-461 DCN
)
Petitioner,)
)
vs.) **ORDER**
)
WILLIAM L. EAGLETON, WARDEN,)
)
Respondent.)
)

On February 2, 2012, this court issued an Order adopting the Magistrate Judge's Report and Recommendation and granted respondent's motion for summary judgment and dismissed the petition without an evidentiary hearing. On February 2, 2012, the Clerk of Court docketed plaintiff's objections, which were received on January 31, 2012. It appears from a review of the file and plaintiff's objections that said objections were timely, as he placed them in the prison's mail on January 30, 2012. Now therefore,

IT IS HEREWITH ORDERED that this court's Order filed on February 2, 2012, granting respondent's motion for summary judgment is herewith vacated, and this matter is herewith reinstated for consideration of plaintiff's objections.

AND IT IS SO ORDERED.



DAVID C. NORTON
United States District Judge

February 3, 2012
Charleston, South Carolina